Agenda – Council – July 19, 2017

Report – Executive Policy Committee – July 5, 2017

Item No. 1 Subdivision and Rezoning – 966 John Bruce Road East (St. Boniface Ward) File DASZ 3/2017 [c/r DAV 103392/2017D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the plan of subdivision under File DASZ 3/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 3/2017 dated June 12 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated May 3, 2017.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 3/2017 dated June 12 2017, to an "R1-M" Residential Single-Family (Medium) Zoning District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            1. buildings;
            2. accessory parking areas;
            3. private approaches;
            4. garbage enclosures;
            5. fencing;
            6. landscaping; and
            7. free-standing signage

Report – Executive Policy Committee – July 5, 2017

On the Owner's Land ("Works") to the City's Director of Planning, Property and Development "Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office, and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

Report – Executive Policy Committee – July 5, 2017

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter*.

Report – Executive Policy Committee – July 5, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2017, the Executive Policy Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Subdivision and Rezoning – 966 John Bruce Road East**
File DASZ 3/2017 [c/r DAV 103392/2017D]

For submission to: **Executive Policy Committee**

Prepared by: **Rochelle Viray, Committee Clerk**
Riel Community Committee

Report date: **June 14, 2017**

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2017, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the plan of subdivision under File DASZ 3/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 3/2017 dated June 12 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated May 3, 2017.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 3/2017 dated June 12 2017, to an "R1-M" Residential Single-Family (Medium) Zoning District subject to the following:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. The Owner must submit plans showing the location and design of any and all proposed:

            1. buildings;
            2. accessory parking areas;
            3. private approaches;
            4. garbage enclosures;
            5. fencing;
            6. landscaping; and
            7. free-standing signage

On the Owner's Land ("Works") to the City's Director of Planning, Property and Development "Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2) year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution by the City of Winnipeg of the Servicing Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office, and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year of the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter*.

The Riel Community Committee provided the following supporting reason(s) for its recommendation:

1. The applicant has done his job and is supported by the Public Service.
2. There is no opposition to the application.

PUBLIC HEARING SUMMARY

File: DASZ 3/2017

Before: Riel Community Committee
Councillor Mayes, Chairperson
Councillor Allard
Councillor Lukes

Public Hearing: June 12, 2017
Council Building, 510 Main Street

Applicant: Nick Khinda

Subject:



APPLICANT : NICK KHINDA
FILE : DASZ 3/17
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow for the maintenance of the existing single-family dwelling and the establishment of residential building lots. **For information, phone Mr. R. Hayer, Planner at 204-986-7168.**
DEMANDEUR : NICK KHINDA
N° DE DOSSIER : DALZ 3/17
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie R1-E (secteur d'habitations unifamiliales domaniales) à la catégorie R1-M (secteur d'habitations unifamiliales moyennes), en vue de permettre le maintien de l'habitation unifamiliale existante et l'aménagement de lots résidentiels. **Pour plus de renseignements, veuillez communiquer avec M. R. Hayer, urbaniste, au 204-986-7168.**

Premises Affected: 966 John Bruce Road East

Exhibits Filed:

1. Application dated March 20, 2017
2. Notification of Public Hearing dated May 11, 2017
3. Manitoba Status of Titles 2652291/1, 2710049/1
4. Letter of authorization dated April 5, 2017 from the City of Winnipeg to Nardosh Singh Khinda & Balbir Kaur Khinda
5. Letter of authorization dated April 10, 2017 from Balbir Khinda
6. Letter of authorization dated January 18, 2017 from Nardosh Khinda to Rajan Khinda
7. Surveyor's Building Location Certificate and sketch dated January 17, 2017
8. Revised Surveyor's Building Location Certificate and sketch dated March 17, 2017
9. Plans (1 page)
10. Petition in support of the application purporting to contain the signatures of 9 area residents, submitted by the Applicant
11. Report from the Urban Planning Division dated June 6, 2017
12. Inspection Report

REPRESENTATIONS:

In Support:

Nick Khinda
Rajan Khinda
Sergio Felix
Harjot Singh

In Opposition

Nil

For Information:

Nil

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department
G. Jasper, Land Development Administrator, Planning, Property and Development Department

Exhibit "11" referred to in File DASZ 3/2017

ADMINISTRATIVE REPORT

Title: DASZ 3/2017 – 966 John Bruce Road East.

Issue: Proposed Plan of Subdivision and Rezoning that would:

- create five (5) lots; and
- rezone the site from "R1-E" Residential Single-Family Estate District to "R1-M" Residential Single-Family Medium District.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 3/2017 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" of File DASZ 3/2017 dated June 12 2017 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into, execute and deliver a Servicing Agreement with the City containing all the conditions outlined in Schedule "B," the report of the Administrative Coordinating Group, dated May 3, 2017.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land shown on Schedule "A" of File DASZ 3/2017 dated June 12 2017, to an "R1-M" Residential Single-Family (Medium) Zoning District subject to the following:

   A. That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

      i. The Owner must submit plans showing the location and design of any and all proposed:

         1. buildings;

         2. accessory parking areas;

3. private approaches;
4. garbage enclosures;
5. fencing;
6. landscaping; and
7. free-standing signage

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3. That, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
5. That, in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2) year period and Council approves the extension.
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10. That, in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of *The City of Winnipeg Charter.*

REASON FOR THE REPORT

- The applicant is proposing to subdivide and rezone the land from an “R1-E” Residential Single-Family Estate district to a “R1-M” Residential Single-Family Medium district in order to create five (5) lots for residential use.
- This report provides information, and makes recommendations, regarding the subject application (DASZ 3/2017) in terms of compliance with *OurWinnipeg* and the *Complete Communities Direction Strategy.*
- This report is available to the public, City Council and committees of Council.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the process of creating the plan of subdivision, and rezoning the subject site, can proceed.

CONSULTATION

The City’s Administrative Coordinating Group was consulted in the preparation of this report.

SUBMITTED BY

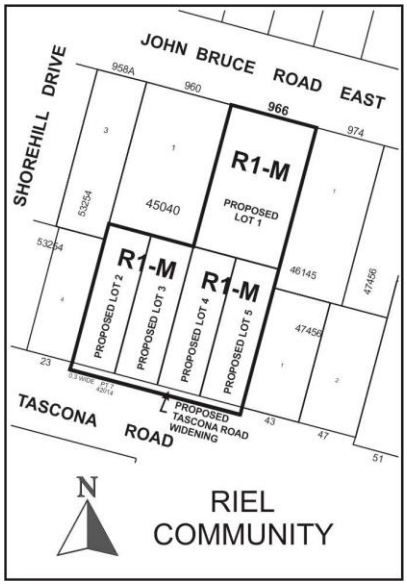
Department	Planning, Property and Development
Division	Urban Planning
Prepared by	Rakvinder Hayer
Date	June 6, 2017
File No.	DASZ 3/2017

Attachments

- **Appendix “A,” Planning Discussion**
- **Schedule “A,” of File DASZ 3/2017, Riel Community Committee, dated** June 12 2017
- **Schedule “B,” Report Of The Administrative Co-Ordinating Group, dated May 3, 2017, Re: Proposed Subdivision And Rezoning Of Land Located At 966 John Bruce Road East – File No. DASZ 3/2017**

Appendix "A," Planning Discussion

DATE:	June 6, 2017
FILE:	**DASZ 3/2017**
RELATED FILE:	DAV 17-103392/D
COMMUNITY:	Riel
NEIGHBOURHOOD #:	5.555 (Royalwood)
SUBJECT:	proposed plan of subdivision and proposed rezoning to: • create five lots; and • rezone the site to "R1-M" Residential Single-Family Medium Zoning District.
LOCATION:	966 John Bruce Road East
LEGAL DESCRIPTION:	LOT 2 PLAN 45040; Lot 122 in Parish of St. Boniface



APPLICANT:	Nick Khinda 960 John Bruce Road Winnipeg, MB R3X 1Y5
OWNER:	Nardosh & Balbir Khinda 960 John Bruce Road Winnipeg, MB R3X 1Y5
RECOMMENDATION:	Approval with Conditions

SITE DESCRIPTION

- The subject site is located on the south side of John Bruce Road East in the Royalwood Neighbourhood of the St. Boniface Ward.
- The property is 28,640 square feet (0.65 acres) in lot area.
- The lot currently has double frontage onto public streets located on either side of the property. The lot width on the John Bruce Road East side is approximately 75 feet, and the lot width on the Tascona Road side is approximately 150 feet.
- The subject property is currently occupied by a one storey single-family dwelling that was built in 1966 and has a floor area of 1,060 square feet
- The site is located within the Areas of Stability – Recent Communities Policy Area under the *Complete Communities Direction Strategy* and is zoned "R1-E" Residential Single-Family Estate.

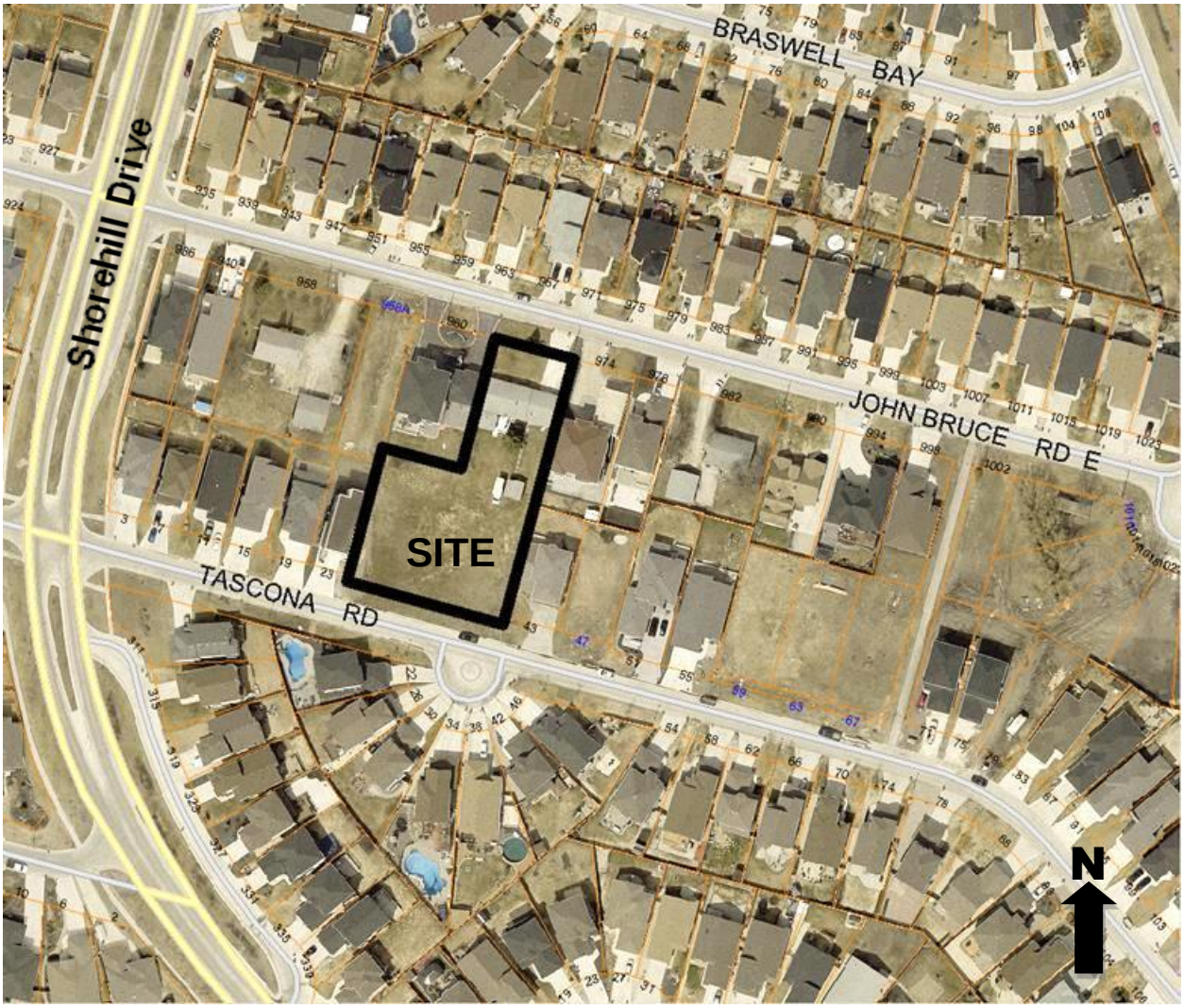


Figure 1: Air photo of the location of subject property and surrounding area (2016)

SITE CONTEX SURROUNDING LAND USE AND ZONING (See Figure 2)

North: John Bruce Road East; then single-family residential uses (zoned “R1-M” Residential Single-family Medium).

South: A 1 foot (0.3 metres) control strip owned by the City of Winnipeg for the Tascona Road widening; then Tascona Road; then single-family residential uses (zoned “R1-M” Residential Single-family Medium).

East: Single-family residential uses (zoned “R1-M” Residential Single-family Medium); single-family residential uses (zoned “R1-E” Residential Single-family Estate).

West: Single-family residential uses (zoned “R1-M” Residential Single-family medium).

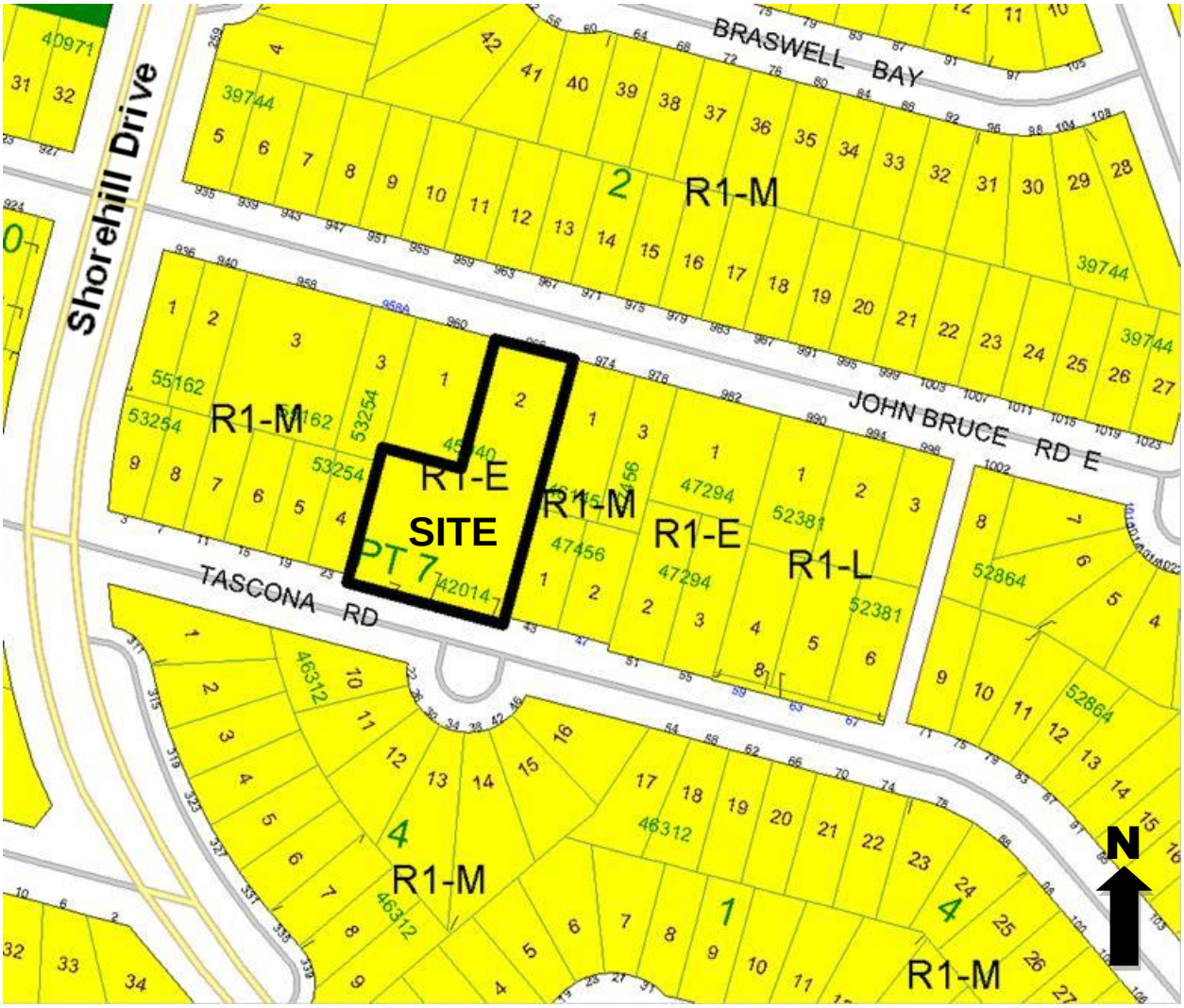


Figure 2: Zoning of the site and surrounding area

DESCRIPTION OF THE PROPOSED SUBDIVISION AND REZONING

- **As shown on Schedule "A" to this report, the proposal is to create five (5) "R1-M" lots. Proposed Lot 1 fronting on John Bruce Road East would maintain the existing single-family dwelling and attached garage. Lots 2 through 5 fronting on Tascona Road would be developed with single-family dwellings.**
- **Proposed Lot 1 would have a lot width of 75 ft. and a lot area of approximately 9373 sq. ft., and would have frontage on John Bruce Road.**
- **Proposed Lots 2 through 5 would have lot widths of 37.4 ft. and lot areas of 4817.4 sq. ft. each, and would have frontage on Tascona Road.**
- **Detailed plans of development have not been included with the application.**
- **The Special Boundary Condition of *Zoning By-law 200/2006* would have to be varied to establish the proposed Lots 2 through 5. Application for approval of these variances has been made under File DAV 17-103392/D and a report on this application has been submitted for consideration by the Riel Community Committee.**

ANALYSIS AND ISSUES

ZONING BY-LAW 200/2006

"R1-E" Residential Single-Family Estate District

- **The "R1-E" district requires: a minimum lot area of 20,000 square feet, a minimum lot width of 25 feet, side yards of 15 feet, front yards of 30 feet, and rear yards of 25 feet. The maximum permitted building height is 35 feet, and the maximum lot coverage is 30 percent.**

"R1-M" Residential Single-Family Medium District

- The "R1-M" district requires: a minimum lot area of 3500 square feet, a minimum lot width of 25 feet, side yards of 4 feet (unless lot width is less than 40 feet), front yards of 15 feet (unless lot width is less than 40 feet), and rear yards of 25 feet. The maximum permitted building height is 35 feet and maximum lot coverage is 40 percent.

OURWINNIPEG AND COMPLETE COMMUNITIES

- ***OurWinnipeg* is the City's development plan and *Complete Communities* is a "Direction Strategy" of *OurWinnipeg* that provides additional directions and policies on land use and development in the city.**
- **Under the *Complete Communities Direction Strategy* the proposed development is located within the Areas of Stability – Recent Communities policy area. The Key Direction of *OurWinnipeg* and *Complete Communities* that applies to the Areas of Stability policy area states:**
    - ***Enhance the quality, diversity, completeness and sustainability of stable neighbourhoods and expand housing options for Winnipeg's changing population.***
- **The first and third policies of Direction 1 of Section 04 of *Complete Communities* state, respectively:**

- ***Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form.***
- ***Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.***

- **Infill development is discussed within the Recent Communities introduction under the *Complete Communities Direct Strategy*, that states:**
  - ***Recent Communities can also accommodate some infill development to increase housing choice, increase options for aging in place, and to maximize the use of existing infrastructure.***
- The proposed plan of subdivision and rezoning would facilitate single-family developments, which would result in four (4) new houses being added to the area and a more efficient use of existing and future infrastructure. Therefore, the proposed plan of subdivision and rezoning would comply with the aforementioned Key Direction.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- As stated above, the Areas of Stability – Recent Communities policy area under the *Complete Communities Direction Strategy* supports infill development that is context sensitive and complementary to the existing scale, character, and built form of the neighbourhood.
- The immediate neighbourhood area is characterized primarily by single-family residential dwellings that have lot widths ranging from 37 ft. to 40 ft. The proposed lots widths of 37.4 ft. for the lots fronting on Tascona Road would be compatible with existing residential properties on this street (see Figure 3).
- The proposed development would be consistent with the surrounding neighbourhood context because it would enable the development of single-family dwellings, which is a typical land use in the area in which the site is located. As such, the Urban Planning Division is supportive of the proposed plan of subdivision and rezoning.

RECOMMENDED ZONING AGREEMENT

Plan Approval

- The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development for review prior to the issuance of a development permit on the site. The inclusion of this clause will allow the Urban Planning Division to review final plans before development takes place for the proposed development to ensure the development uses a variety and balance of high-quality exterior cladding materials, including horizontal and/or vertical articulation elements, and strategically uses colour to complement the façade design. It is also recommended to ensure that the houses have some distinguishing design characteristics that set them apart from one another, avoiding a “cookie cutter” style of development.

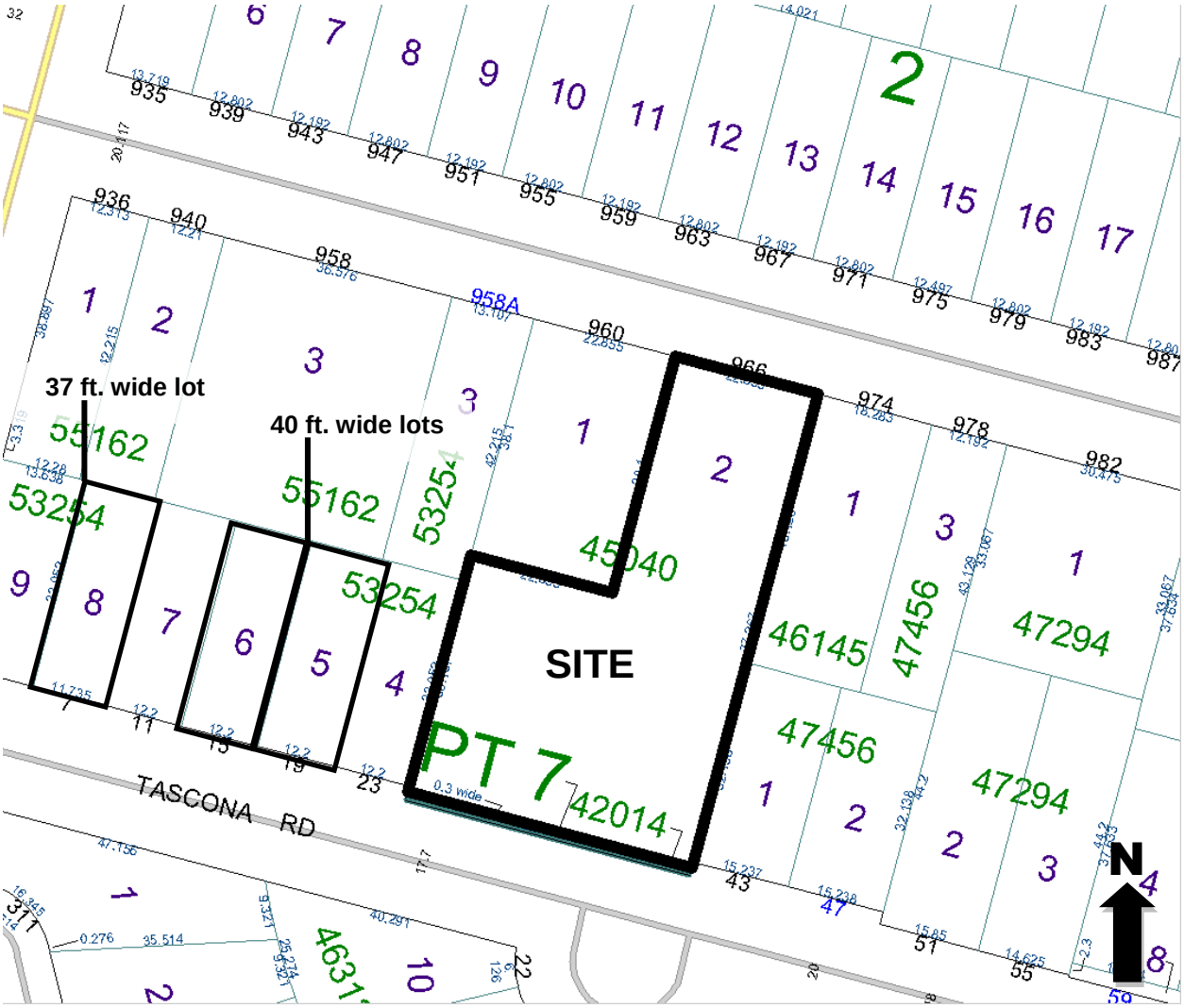


Figure 3: Base map of the site and surrounding area.

REASONS FOR THE RECOMMENDATIONS

The Urban Planning Division recommends approval because the proposed plan of subdivision and rezoning are consistent with *OurWinnipeg* and *Complete Communities.*

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by:
Rakvinder Hayer, MCP

PPD File #:
DASZ 3/2017

Schedule "A" of File DASZ 3/2017, Riel Community Committee, dated June 12, 2017

By-Law No. _____

File No. **DASZ 3/17**

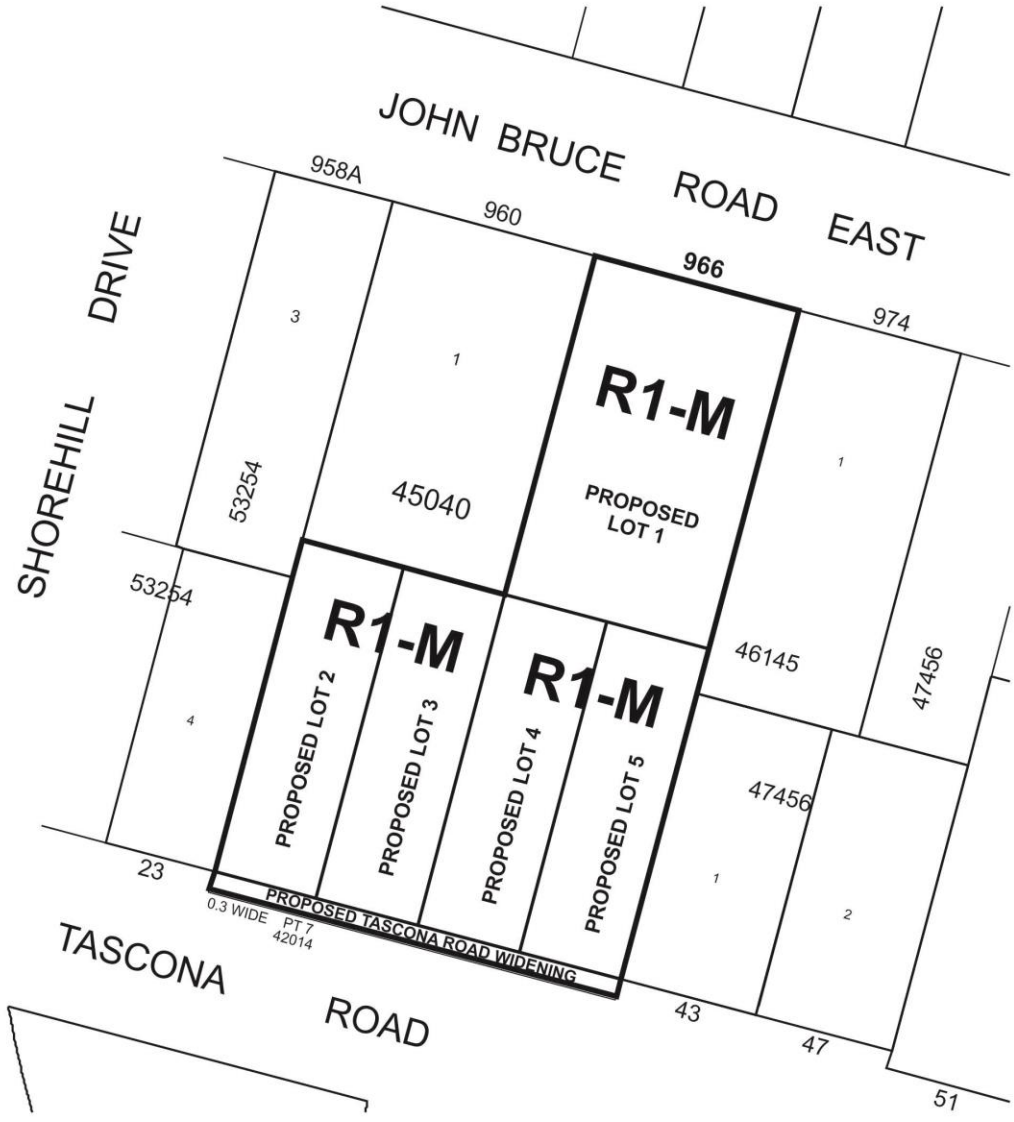
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COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 966 John Bruce Road East from an "R1-E" RESIDENTIAL SINGLE-FAMILY (ESTATE) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to allow for the maintenance of the existing single-family dwelling and the establishment of residential building lots as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "B"

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – May 3, 2017

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 966 JOHN BRUCE ROAD EAST – FILE NO. DASZ 3/2017

It is recommended that the approval of DASZ 3/2017, if granted, be subject to the applicant entering into a Servicing Agreement addressing the following items:

A. PLAN CONSIDERATIONS

1) The Developer shall, at no expense to the City, legally open right-of-way required to widen Tascona Road by 2m to the north, along the full length of the Planned Area abutting the control strip abutting Tascona Road, as determined by and to the satisfaction of the Director of Public Works.

2) The Developer shall, at no expense to the City, legally open the existing 0.3m control strip separating the Planned Area from Tascona Road for the length of the Planned Area abutting Tascona Road, as determined by and to the satisfaction of the Director of Public Works.

B. SERVICING REQUIREMENTS

1) John Bruce Road Services

The Developer shall, prior to release of mylars, pay its share of the cost of services previously installed by others in John Bruce Road East abutting the Planned Area, as determined by the Director of Public Works and the Director of Water and Waste.

2) Tascona Road Services

The Developer shall, prior to release of mylars, pay its share of the cost of services previously installed by others in Tascona Road abutting the Planned Area, as determined by the Director of Public Works and the Director of Water and Waste.

3) Lot Line Services

The Developer shall either undertake a) or all of b), c) and d) below;

a) The Developer shall, prior to release of mylars under DASZ 3/2017, provide a signed letter to the Land Development Branch stating that:

i) the Developer understand that they are responsible for the full costs to install separate sewer and water lot line services from the respective mains in John Bruce Road and Tascona Boulevard the property line of the newly created Lots; and

ii) if the Developer sells any of the newly created Lots, that they will undertake to advise the purchaser (new owner) in writing that the purchaser is responsible for the costs to install the lot line services referred to in i) above.

b) The Developer shall, at no expense to the City, construct and install wastewater and water building services from the wastewater sewer and watermain, to service all lots within the Planned Area, as determined by, and to the satisfaction of, the Director of Water and Waste.

c) The Developer shall ensure that each sewer service remains plugged from installation until the foundation excavation has been backfilled and the roof of the dwelling has been sheathed, after which the house sewer may be connected. The Developer hereby agrees to indemnify the City against all actions, claims, demands, damages, losses, and costs, including legal and court costs, suffered or incurred by the City arising out of any failure to do so.

d) The Developer shall replace or repair any water or sewer service found to be defective within one year following the date the water is turned on for domestic use, and shall pay the City any cost incurred by the City arising out of any such defect.

4) Lot Grading

a) Upon registration of the approved plan of subdivision mylars in the Land Titles Office, the Developer shall, at no expense to the City, provide to the City all easements the City considers necessary with respect to the installation, construction, maintenance, and replacement of swales, catchbasins, and leads for drainage of the Planned Area.

b) Prior to the issuance of building permits, the Developer shall, at no expense to the City:

i. Submit to the City, for approval, a lot grading plan for the Planned Area, prepared by a municipal engineer; and

ii. Construct all swales, catchbasins, and leads necessitated by the approved lot grading plan

5) Boulevards

a) The Developer shall, at no expense to the City, sod and plant trees, on Tascona Road, abutting the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the sod for a period of one year and the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

6) Construction Traffic

The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

7) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

8) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

9) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

COSTS AND FEES

1. By-laws and Approvals

   The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of the Agreement and the physical development of the Planned Area.

2. Professional Fees

   a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, and associated works required to serve the Planned Area;

   b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3. Administration Fees

   The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay to the City, $2170.00 + GST to help defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 3/2017
May 3, 2017

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